

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

TYRONE NOEL NUNN,

Plaintiff

Case No. 3:23-cv-00492-MMD-CLB

**ORDER**

v.

ELY STATE PRISON, et al.,

Defendants

**I. DISCUSSION**

On October 6, 2023, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a document titled “Ex Parte Motion for the Appointment of Counsel and Affidavit of: Malpractice.” (ECF No. 1-1). Plaintiff did not file a complaint or an application to proceed *in forma pauperis* in this matter.

Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. The Court grants Plaintiff **until December 12, 2023**, to submit a complaint to this Court.

The Court notes that a “civil-rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by this court or must be legible and contain substantially all the information called for by the court’s form.” Nev. Loc. R. Prac. LSR 2-1. The Court will direct the Clerk of the Court to send to Plaintiff the approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. Special R. 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma**

1 ***Pauperis* for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly  
 2 signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is  
 3 page 4 of the Court’s approved form, that is properly signed by both the inmate and a  
 4 prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account**  
 5 **statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev.  
 6 Loc. Special R. 1-2. *In forma pauperis* status does not relieve an inmate of his or her  
 7 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.  
 8 See 28 U.S.C. § 1915(b).

9 The Court will grant Plaintiff an opportunity to file a complaint and a fully complete  
 10 application to proceed *in forma pauperis* containing all three of the required documents,  
 11 or in the alternative, pay the full \$402 filing fee for this action on or before **December 12,**  
 12 **2023**.

## 13 **II. CONCLUSION**

14 For the foregoing reasons, it is ordered that Plaintiff will submit a complaint to this  
 15 Court on or before **December 12, 2023**.

16 It is further ordered that the Clerk of the Court will send to Plaintiff the approved  
 17 form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The Clerk of  
 18 the Court will also send Plaintiff a copy of his “Ex Parte Motion for the Appointment of  
 19 Counsel” (ECF No. 1-1).

20 It is further ordered that the Clerk of the Court will send Plaintiff the approved form  
 21 application to proceed *in forma pauperis* by an inmate, as well as the document entitled  
 22 information and instructions for filing an *in forma pauperis* application.

23 It is further ordered that on or before **December 12, 2023**, Plaintiff will either pay  
 24 the full \$402 filing fee or file a fully complete application to proceed *in forma pauperis* with  
 25 all three required documents: (1) a completed application with the inmate’s two signatures  
 26 on page 3, (2) a completed financial certificate that is signed both by the inmate and the  
 27 prison or jail official, and (3) a copy of the inmate’s trust fund account statement for the  
 28 previous six-month period.

1 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
2 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff  
3 to refile the case with the Court, under a new case number, when Plaintiff can file a  
4 complaint and a complete application to proceed *in forma pauperis* or pay the required  
5 filing fee.

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7 DATED: October 12, 2023

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9 UNITED STATES MAGISTRATE JUDGE  
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